



# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
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**Testimony of Michelle Cruz, Esq., State Victim Advocate  
Judiciary Committee  
Friday, March 26, 2010**

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**Raised Senate Bill No. 486, An Act Concerning Supreme Court and Appellate Court Decisions (Proposed Amendment)**

The Office of the Victim Advocate (OVA) has identified an issue regarding notification to crime victims of Supreme Court and Appellate Court decisions. The OVA has met with the Office of the Chief States' Attorney (OCSA) and the Judicial Branch in an attempt to resolve this issue, however, at this time, to my knowledge, the problem still exists.

When a decision is released by the Supreme Court and/or the Appellate Court, the OCSA is notified **just two hours** before the decision is released to the public. Currently, the victim of the crime does not receive any formal notification from the Courts. This is problematic because, in some cases, the victim has been notified of the decision from the media. As is common, the highlight of the story being reported is that the conviction has been overturned. This is evidenced by the recent decision being reported by the media in the Ronald Taylor and George Gould convictions. I will tell you that the OVA has not been contacted by the surviving family of the victim (Eugenio Deleon Vega) in that case, however, I can't help but wonder what they have been told and when.

In one case where the OVA has been contacted, the victim learned, from the media, of the decision to overturn the conviction for murder and granted a new trial to the defendant. The victim's translation of this decision was that the offender was being released from prison. The victims felt betrayed and were terrified of the concept of having to testify again. With the assistance of the OVA, the victim and the state's attorney's relationship was restored, and through our inquiry, both the OVA and the state's attorneys learned of the procedural change which shortened the notification time to the public to two hours.

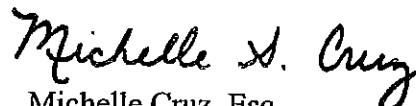
Although the OCSA receives notice of the decision, this notice is an insufficient amount of time for the OCSA to (1) read and disseminate the decision and (2) contact the victim and discuss the ramifications of the decision. In fact, during the time that the

OCSA receives the notice of the decision, the state's attorney may be in court or otherwise unavailable.

I would respectfully request that the committee consider expanding the proposal to include a formal notification process to crime victims of Supreme Court and Appellate Court decisions so that victims will not be caught off guard by the media representations of the decision or left to wonder what the decision truly means. Below, I have included language that I feel will address this issue.

Thank you for consideration of my testimony.

Respectfully submitted,

  
Michelle Cruz, Esq.  
State Victim Advocate

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**Proposed Amendment to Raised Senate Bill No. 486**

After the last section, insert the following:

**Section 3:** Section 51-211 of the general statutes is repealed and the following is substituted in lieu thereof:

**(a) The chief clerk of the Supreme Court or of the Appellate Court shall transmit a notice of the decision upon a motion or of an order to the clerk of the court from which the action proceeded and give notice to all counsel of record.**

**(b) The chief clerk of the Supreme Court or of the Appellate Court shall transmit a notice of the decision upon a motion or of an order to the clerk of the court from which the action proceeded and give notice to the Office of Victim Services, Judicial Branch and the Victim Services Unit within the Department of Correction.**

**Section 4:** Section 54-203(b)(9) of the general statutes is repealed and the following is substituted in lieu thereof:

**(9) To provide, not later than January 1, 1994, a victims' notification clearinghouse which shall be a central repository for requests for notification filed pursuant to sections 54-228 and 54-229, and to notify, on and after January 1, 1994, persons who have filed such a request whenever an inmate has applied for release from a correctional institution or reduction of sentence or review of sentence pursuant to section 54-227 or whenever an inmate is scheduled to be released from a correctional institution or notice of the decision by the Appellate and/or Supreme Court whenever a defendant has appealed his or her conviction** and, on and after January 1, 1994, to provide victims of

family violence crimes, upon request, information concerning any modification or termination of criminal orders of protection;

**Section 5:** Section 54-228 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) Any victim of a crime or any member of an inmate's immediate family who desires to be notified whenever an inmate makes an application to the Board of Pardons and Paroles, Department of Correction, sentencing court or judge or review division as provided in section 54-227, or whenever an inmate is scheduled to be released from a correctional institution other than on a furlough, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.

**(b) Any victim of a crime, as defined in C.G.S. § 1-1k of the general statutes, who desires to be notified of a decision of the Supreme Court or of the Appellate Court wherein a defendant has challenged his or her criminal conviction, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.**

[(b)] (c) Any victim of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, as those terms are defined in section 54-250, or a felony found by the sentencing court to have been committed for a sexual purpose, as provided in section 54-254, who desires to be notified whenever the person who was convicted or found not guilty by reason of mental disease or defect of such offense files an application with the court to be exempted from the registration requirements of section 54-251 pursuant to subsection (b) or (c) of said section or files a petition with the court pursuant to section 54-255 for an order restricting the dissemination of the registration information, or removing such restriction, may complete and file a request for notification with the Office of Victim Services or the Victim Services Unit within the Department of Correction.

[(c)] (d) A request for notification filed pursuant to this section shall be in such form and content as the Office of the Chief Court Administrator may prescribe. Such request for notification shall be confidential and shall remain confidential while in the custody of the Office of Victim Services and the Department of Correction and shall not be disclosed. It shall be the responsibility of the victim to notify the Office of Victim Services and the Victim Services Unit within the Department of Correction of his or her current mailing address and telephone number, which shall be kept confidential and shall not be disclosed by the Office of Victim Services and the Department of Correction. Nothing in this section shall be construed to prohibit the Office of Victim Services, the Board of Pardons and Paroles and the Victim Services Unit within the Department of Correction from communicating with each other for the purpose of facilitating notification to a victim and disclosing to each other the name, mailing address and telephone number of the victim, provided such information shall not be further disclosed.

